



**Court of Special Appeals**  
Robert C. Murphy Courts of Appeal Building  
361 Rowe Boulevard  
Annapolis, Maryland 21401-1699

GREGORY HILTON,  
CLERK

(410)260-1450  
WASHINGTON AREA 1-888-200-7444

February 2, 2021

Boisey L. Neal #349871  
DRCF  
2020 Toulson Road  
Jessup, MD 20794

Re: *Boisey Neal v. State of Maryland*  
No. 590, September Term, 2020

Dear Mr. Neal:

Recently you a supplemental brief to the Court. I am delaying the processing of this paper because your certificate of service reflects that you only served the Court of Special Appeals and not the Attorney General. For the Court to consider your paper you must serve a copy of it on the Attorney General at Criminal Appeals Division, 200 St. Paul Place, Baltimore, MD 21202 and file and amended certificate of services reflecting that you did so. If you do not correct your certificate of service within 30 days, the paper you filed may be stricken.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory Hilton".

Gregory Hilton  
Clerk

Copy to: Attorney General, Criminal Appeals Division (via MDEC)

1-25-2021

BOISEY LEVERN NEAL V. STATE OF MARYLAND

No. 590, SEPTEMBER TERM, 2020

RECEIVED

JAN 29 2021

COURT OF SPECIAL APPEALS

To: THE HONORABLE COURT OF SPECIAL APPEALS,

Good Day To This Honorable Court...

I am CORRESPONDING with this Honorable Court today in REGARDS to this handwritten letter being VIEWED as a SUPPLEMENT to my Appeal.

Appellant has found CASE law in which this Honorable Court Made it VERY clear, that if any "SENTENCE" is "substituted" for the "ORIGINAL SENTENCE," the REVIEW Panel "shall" CONSIDER TIME SERVED ON the SENTENCE "UNDER REVIEW" to be TIME SERVED ON any SENTENCE that is "substituted."

FURTHER assistance in construing C.P. § 8-106 is supplied  
ELSEWHERE in the SENTENCING REVIEW subtitle.

(PLEASE SEE C.P. § 8-107(d) (describing the SENTENCE  
imposed by the panel as the SENTENCE "substituted"  
for the ORIGINAL SENTENCE, in stating: "A REVIEW  
panel "shall" consider time served on the  
SENTENCE UNDER REVIEW to be time served  
on "Any" SENTENCE that is substituted."

THE GENERAL ASSEMBLY'S choice of the "substituted"  
in discussing the effect on the ORIGINAL SENTENCE  
of a SENTENCE altered by a three-judge panel,  
reflects the legislative intent that the SENTENCE,  
as altered by the REVIEW panel, "supplants" the  
"ORIGINAL SENTENCE".

ON DECEMBER 20TH, 2019, THE HONORABLE Judge W. Michel PIERSON of the Circuit Court for Baltimore City, Maryland, "Substituted" the Appellant's "Original Sentence" which was A 10YEAR illegal Sentence first imposed on March 10th, 2009.

\*SEE COMMITMENT RECORD Attached to the back of this letter (date of RESENTENCING 12/20/2019)

As this Honorable Court has already Made Clear;

"A RESENTENCING is Regarded as a SENTENCING.

Notably, at a "RESENTENCING" the SENTENCING

Court "Must" Approach its task as if

"NO SENTENCE" had EVER BEEN "IMPOSED."

SEE OMAR PARKER V. STATE, 193 Md. App. 469, 997 A.2d

912 (2010); JONES, 414 Md. at 684, 997 A.2d 131

(OPINION 154347 / JONES V. STATE)



Appellant ask this Honorable Court, based on the said case law, if the Court "Must" Approach its task as if "No sentence" had EVER BEEN imposed at a RESENTENCING, the 10 YEARS and 9 Months of TIME SERVED before the RESENTENCING should have BEEN CREDITED to the Appellant.

SEE C.P. 6-218(b)(1)(c)(d).

Under Md. Rule 4-345(e): is a RESENTENCING Consider as a sentence Modification? If so, can a "10 YEAR" "illegal" sentence be legally Modified after 5 years based on Md. Rule 4-345(e)?

Appellant's sentence was Modified on 12/20/2019, but RECIEVE "No credit" for all time spent in custody Prior to the RESENTENCING.

Appellant's true starting date should be as of October 18th, 2006, for his custody spent in the Wilson County Jail in North Carolina, before he was (Extradited) back to Maryland...

SEE Anne Arundel County transcript for the October 18th, 2006, Extradition and time spent in North Carolina. Also SEE, Larry Daniel Bratt v. STATE, No. 874 SEPTEMBER TERM, 2018, for credit for time spent in another "STATE" prior to extradition.

Appellant had already "fully" served his 15 year sentence imposed first by Anne Arundel County prior to the December 20th, 2019, Resentencing by the Baltimore City Court. 13 year + 2 months had been served before the Baltimore City 10 year "illegal sentence" was "substituted" for the new

SENTENCE. THE SENTENCE THAT WAS IMPOSED ON  
DECEMBER 20TH, 2019, WAS A 10 YEAR SENTENCE TO RUN  
"CONSECUTIVE" TO APPELLANT'S FIRST SENTENCE OF 15  
YEARS IMPOSED BY ANNE ARUNDEL COUNTY.

THE HONORABLE JUDGE W. MICHEL PIERSON, STATED  
ON THE "RECORD" THE FOLLOWING QUESTION TO THE  
APPELLANT:

"I TAKE IT THAT YOU HAVE  
ALREADY SERVED THE 15 YEARS?"

SEE TRANSCRIPT DATED DECEMBER 20TH, 2019, OF THE  
RESENTEDCING.

APPELLANT ASK THIS HONORABLE COURT TO PLEASE REVIEW  
JUDGE PIERSON'S STATEMENTS ABOUT THE 15 YEARS FIRST  
IMPOSED BY ANNE ARUNDEL COUNTY.

The Baltimore City Court has made it seem as if it was my "fault" that Judge Duory imposed the illegal ten (10) year sentence which violated the Plea Agreement.

On December 20th, 2019, the Appellant had already served 13 years and two months before he was resentenced.

If the Appellant would have been waiting 13 years in the Baltimore City Jail, once he went to court, would he have received "Time Served" if a 10 year sentence was imposed?

What's the reason why the Appellant did not receive credit?



## CERTIFICATE OF SERVICE

I, BOISEY LEVERD NEAL, HEREBY CERTIFY  
that the foregoing handwritten letter was  
mailed CERTIFIED first class postage PREPAID  
on the 25<sup>TH</sup> day of January, 2021, to the  
Court of Special Appeals, Robert C. Murphy  
Courts of Appeal Building, 361 Rowe Boulevard  
2nd Floor Annapolis, MD 21401-1698.

Respectfully written,

Boisey L. Neal

Doc# 349-871

SID# 978847

*If The Constitution Requires "that Credit is Given,"  
Why did the Baltimore Court not follow this Law??*

**Federal Criminal Law § 32 – double jeopardy - retrial – credit for time served:**

The protection against multiple punishments for the same offense, afforded by the Fifth Amendment **guaranty against double jeopardy**, is necessarily implicated in any consideration of the question whether, in the imposition of a sentence for the **same offense** after conviction **upon retrial following the setting aside of the first conviction**, the **Constitution requires that the credit be given for punishment already endured under the original sentence.**

The constitutional **guaranty against multiple punishment** for the same offense, provided by the double jeopardy clause of the Fifth Amendment, **absolutely requires** that punishment by imprisonment **already exacted must be fully credited** in imposing sentence upon a new conviction for the same offense upon retrial after the first conviction has been set aside, and such credit must include the time credited during service of the first sentence for good behavior.

Respectfully submitted,

*Boisey L. Neal* <sup>#</sup>349.871  
Boisey L. Neal <sub>SID# 978847</sub>